

U.S. SOUTHERN DISTRICT COURT, COUNTY OF NEW YORK

AFFIDAVIT OF SERVICE

State of New York

County of New York

Case Number 08CIV4353

Plaintiff: MMC Energy, Inc.

VS.

Defendant: Karl W. Miller

Name and Address of Person/Entity to be served:

Karl Miller
411 Bradley Creek Point Rd.
Wilmington, NC 28403

Received by Cape Fear Investigative Services on June 3, 2008, I Auria Tellechea, being duly sworn depose and say that on the 4 day of June, 2008, I executed service by delivering a true copy of the attached Summons and Complaint in accordance with the states statutes in the manner marked below:

CIVIL COVER SHEET, RULE 7.1 STATEMENT, CONSENT &
JUDGES RULES

() **INDIVIDUAL SERVICE:** Served the person named above at _____.

(X) **SUBSTITUTE SERVICE:** By serving Joe Hearne, a co-resident of the given residence, a person of suitable age and discretion at the dwelling, house or usual place of abode of the above-named person.

() **POSTED SERVICE:** After attempting service on ____/____ and on ____/____, to a conspicuous place on the property described herein: _____.

() **NON-SERVICE:** For the reason detailed in the comments below:

COMMENTS: Joe Hearne informed me that the defendant was not home and didn't know when Mr. Miller would be home, as he traveled frequently.

I certify that I have no interest in the above action, am of legal age, and have proper authority in the jurisdiction in which this service was made.

State of North Carolina
County of NEW HAMPSHIRE

☒ I have personal knowledge of the identity of the principal;
or

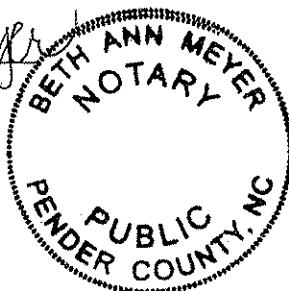
[] I have seen satisfactory evidence of the principal's identity by a current state or federal identification bearing the photographic image of the individual's face and either the signature or a physical description of the individual.

This the 10th day of JUNE, 2008.

Beth Ann Meyer
Notary Public

My commission expires:

8/22/12

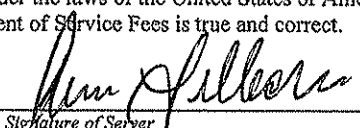


BETH ANN MEYER
Print Notary's Name

Auria Tellechea
Cape Fear Investigative Services
401 Chestnut Street, Suite D
Wilmington, NC 28401
(910) 762-4374

REF# 3KBTf131556

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	06/04/08
NAME OF SERVER (PRINT) AURIA TELLECHEN	TITLE	PROCESS SERVER
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: JOE HEARNE <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>06/04/08</u> <u></u> <small>Date</small> <small>Signature of Server</small></p> <p style="margin-left: 200px;">401 CHESTNUT ST. SUITE D. WILMINGTON, NC 28401</p> <p style="margin-left: 200px;"><small>Address of Server</small></p>		
REF# 3KBTF131556		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

ATTORNEY: KASOWITZ BENSON TORRES & FREIDMAN LLP

INDEX #: 08CIV4353

FILE #: 07808-002

U.S. SOUTHERN DIST. COURT

NEW YORK COUNTY

MMC ENERGY, INC.

PLAINTIFF

AGAINST

KARL W. MILLER

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK

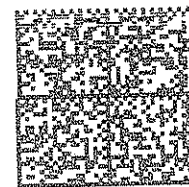
JOEL GOLUB being duly sworn
I am over 18 years of age, not a party
That on the 16TH day of JUNE, 2008
United States at Church Street Station
SUMMONS AND COMPLAINT, CI
CONSENT AND JUDGES RULES

to KARL W. MILLER
the DEFENDANT at 411 BRADLEY
WILMINGTON

Copy mailed by 1st class mail marked
thereof, by return address or otherwise
action against the person to be served.
AS EVIDENCE BY CERTIFICATE OF MAILING HERewith ATTACHED.

U.S. POSTAL SERVICE	
MAY BE USED FOR DOMESTIC AND PROVIDE FOR	
Receive:	00 /AJS
	SUITE 1802
	225 BROADWAY
	NEW YORK NY 10007
One piece of ordinary mail addressed to:	
	00 /KBTF
	KARL W. MILLER
	411 BRADLEY CREEK POINT RD
	WILMINGTON, NC 28403

PS Form 3817, January 2001



049J82040360

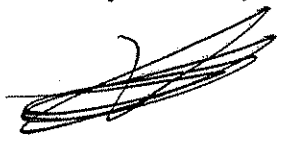
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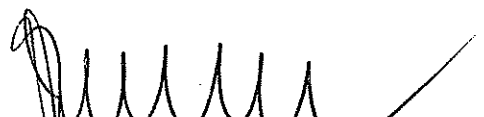
06/16/2008

Mailed From 10007
POSTAGE



Sworn to before me this
16TH day of JUNE, 2008tm


KENNETH WISSNER
Notary Public, State of New York
No. 01-0774100
Qualified in New York County
Commission Expires March 30, 2010
2010


JOEL GOLUB 701893
Ref No: 3KBTF131556
Aetna Central Judicial Services
225 Broadway, Suite 1802
New York, NY 10007

ATTORNEY: KASOWITZ BENSON TORRES & FREIDMAN LLP

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NEW YORK COUNTY

MMC ENERGY, INC.

PLAINTIFF

AGAINST

KARL W. MILLER

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK

JOEL GOLUB being duly sworn, deposes and says:

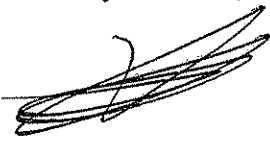
I am over 18 years of age, not a party to this action and reside in the State of New York. That on the 16TH day of JUNE, 2008 at a regular postal depository maintained by the United States at Church Street Station, New York, New York, deponent mailed a copy of SUMMONS AND COMPLAINT, CIVIL COVER SHEET, RULE 7.1 STATEMENT CONSENT AND JUDGES RULES

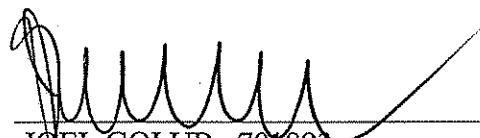
to KARL W. MILLER
the DEFENDANT at 411 BRADLEY CREEK POINT RD
WILMINGTON, NC 28403

Copy mailed by 1st class mail marked personal & confidential not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

AS EVIDENCE BY CERTIFICATE OF MAILING HEREWITH ATTACHED.

Sworn to before me this
16TH day of JUNE, 2008tm


KENNETH H. WISSNER
Notary Public, State of New York
New York County
Qualified in New York County
Commission Expires March 30 2010
2010


JOEL GOLUB 701893
Ref No: 3KBTF131556
Aetna Central Judicial Services
225 Broadway, Suite 1802
New York, NY 10007